

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

OA No.595/2005 with MA No.77/2007.

18.09.2007.

Mr. C. B. Sharma counsel for the applicant.

Mr. S. R. Samotha proxy counsel for

Mr. Tej Prakash Sharma counsel for the respondents.

Heard. The OA has been disposed of by a separate order.

(J. P. SHUKLA)
ADMINISTRATIVE MEMBER

(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.595/2005 with MA No.77/2007.

Jaipur, this the 18th day of September, 2007.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Vinod Behari Vyas
S/o Shri Kirodi Lal Vyas,
Aged about 33 years,
R/o Village and Post Rodhai
Via Mandrayal District Karauli.

... Applicant.

By Advocate : C. B. Sharma.

Vs.

1. Union of India through
Secretary to the Government of India,
Department of Posts, Ministry of Communication and
Information Technology, Dak Bhawan,
New Delhi 110 001.
2. Principal Chief Post Master General,
Rajasthan Circle,
Jaipur 302007.
3. Superintendent of Post Offices,
Swaimadhopur Postal Division,
Swaimadhopur.

... Respondents.

By Advocate : Mr. S. R. Samotha proxy counsel for
Mr. Tej Prakash Sharma.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for
the following reliefs :-

"(i) That the respondents may be directed to give
effect increase in allowance w.e.f 1/1/2003 instead
of 1/11/2004 by modifying memo dated 17/11/2004

(Annexure A/1) in respect of applicant with arrears of pay and allowances etc.

(ii) That respondent No.3 be further directed to release to commission relating to work of Rural Postal Life Insurance due upto 2005 with all consequential benefits.

(iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

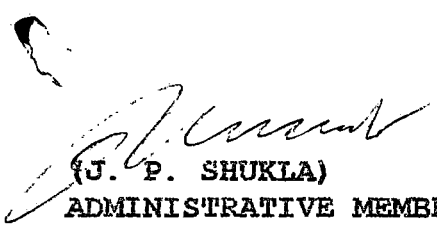
(v) That the costs of this application may be awarded."

2. Notice of this application was given to the respondents. Respondents have not filed reply. However, MA No.77/2007 has been moved on behalf of the respondents whereby it has been stated that the benefit of increased allowance w.e.f. 1.1.2003 instead of 1.11.2004 by modifying the memorandum dated 1.11.2004 has been granted to the applicant vide order dated 8.12.2006. It is further stated that arrears in this regard has also been paid to the applicant on 20.12.2006. The respondents have also placed the copy of these order on record as MA/2 & MA/3. In view of the subsequent development, Relief (i), as claimed by the applicant, does not survive. Learned Counsel for the applicant submits that the Relief (ii) still survives.

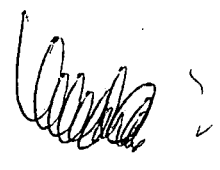
3. We have heard the Learned Counsel for the parties. We are of the view that the main relief has been granted to the applicant. Regarding Relief (ii) the respondents may examine the matter and communicate and settle the claim, if admissible to the applicant, within a period of

2 months from the date of receipt of a copy of this order. In case the applicant is not entitled to any relief, in this regard, the said decision shall be communicated to the applicant.

4. With these observations, the OA as well as MA stands disposed of. No costs.



(J. P. SHUKLA)
ADMINISTRATIVE MEMBER



(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./